

Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Update on the proposed Third Party Administrator Agreement between the City of Memphis and Shelby County, Tennessee with United Housing Inc., for the administration of the mortgage down payment and home renovation assistance program funded by Wells Fargo Bank, N.A.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Law Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Council approval of the Third Party Administrator Agreement is not required as a result of this update.

5. State whether this requires an expenditure of funds/requires a budget amendment.

No.



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)
This item is a resolution to accept FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence.
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)
In response to the Presidential declared disaster Public Works identified eligible residences with positive FEMA Benefit to Cost Ratios (BCR) to determine the feasibility of allowing the affected homeowner, upon their request to voluntarily sell their severely damages residence in accordance with the HMGP.
3. State whether this is a change to an existing ordinance or resolution, if applicable.
Resolution will not require any changes to an existing ordinance resolution.
4. State whether this requires a new contract, or amends an existing contract, if applicable.
These grant funds require a new contract with TEMA for each HMGP award.
5. State whether this requires an expenditure of funds/requires a budget amendment.
Yes, the acquisition and demolitions of the severely damaged structure requires the expenditure of funds and a budget amendment. The HMGP grant amount is 87.5% with a local matching share of 12.5%. The local share is proposed to originate from the Storm Water Fund.

This is a resolution to accept FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence.

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the Fiscal Year 2013 Capital Improvement Budget by creating a new project, FEMA Acquisition #1909 065, project number ST03156; and

WHEREAS, the City of Memphis will enter into a contract with the State of Tennessee Emergency Management Agency; and

WHEREAS, under this contract, the State of Tennessee Emergency Management Agency has agreed to fund 87.5% of the project cost with a local matching share of 12.5% for the acquisition and demolition of severely damaged residences resulting from the Presidential Declaration Disaster of May 2010 ; and

WHEREAS, it is necessary to accept this grant in the amount of \$40,862.50 funded by the Hazard Mitigation Grant Program; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Capital Improvement Budget by establishing an allocation in the amount of \$40,862.50(Total Planning \$30,362.50 and Total Construction \$10,500.00) for FEMA Acquisition #1909 065, project number ST03156; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation of \$5,837.50(Total Planning \$4,337.50 and Total Construction \$1,500.00) funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to FEMA Acquisition #1909 065, project number ST03156.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2013 Capital Improvement Budget be modified to create FEMA Acquisition #1909 065, project number ST03156.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget is hereby amended by accepting the sum of \$40,862.50 in Hazard Mitigation Grant Program from the State of Tennessee Emergency Management Agency.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget be amended by establishing an allocation in the amount of \$40,862.50(Total Planning \$30,362.50 and Total Construction \$10,500.00) for FEMA Acquisition #1909 065, project number ST03156 funded by the Hazard Mitigation Grant Program.


BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget be amended by transferring an allocation of \$5,837.50(Total Planning \$4,337.50 and Total Construction \$1,500.00) funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to FEMA Acquisition #1909 065, project number ST03156.



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This item is a resolution to accept FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence.
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)
In response to the Presidential declared disaster Public Works identified eligible residences with positive FEMA Benefit to Cost Ratios (BCR) to determine the feasibility of allowing the affected homeowner, upon their request to voluntarily sell their severely damages residence in accordance with the HMGP.
3. State whether this is a change to an existing ordinance or resolution, if applicable.
Resolution will not require any changes to an existing ordinance resolution.
4. State whether this requires a new contract, or amends an existing contract, if applicable.
These grant funds require a new contract with TEMA for each HMGP award.
5. State whether this requires an expenditure of funds/requires a budget amendment.
Yes, the acquisition and demolitions of the severely damaged structure requires the expenditure of funds and a budget amendment. The HMGP grant amount is 87.5% with a local matching share of 12.5%. The local share is proposed to originate from the Storm Water Fund.



This is a resolution to accept FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence.

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the Fiscal Year 2013 Capital Improvement Budget by creating a new project, FEMA Acquisition #1909 055, project number ST03157; and

WHEREAS, the City of Memphis will enter into a contract with the State of Tennessee Emergency Management Agency; and

WHEREAS, under this contract, the State of Tennessee Emergency Management Agency has agreed to fund 87.5% of the project cost with a local matching share of 12.5% for the acquisition and demolition of severely damaged residences resulting from the Presidential Declaration of May 2010; and

WHEREAS, it is necessary to accept this grant in the amount of \$94,587.50 funded by the Hazard Mitigation Grant Program; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Capital Improvement Budget by establishing an allocation in the amount of \$94,587.50 (Total Planning \$75,775.00 and Total Construction \$18,812.50) for FEMA Acquisition #1909 055, project number ST03157; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Capital Improvement Budget by transferring an allocation of \$13,512.50 (Total Planning \$10,825.00 and Total Construction \$2,687.50) funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to FEMA Acquisition #1909 055, project number ST03157.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2013 Capital Improvement Budget be modified to create FEMA Acquisition #1909 055, project number ST03157.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget is hereby amended by accepting the sum of \$94,587.50 in Hazard Mitigation Grant Program from the State of Tennessee Emergency Management Agency.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget be amended by establishing an allocation in the amount of \$94,587.50 (Total Planning \$75,775.00 and Total Construction \$18,812.50) for FEMA Acquisition #1909 055, project number ST03157 funded by the Hazard Mitigation Grant Program.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget be amended by transferring an allocation of \$13,512.50 (Total Planning \$10,825.00 and Total Construction \$2,687.50) funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to FEMA Acquisition #1909 055, project number ST03157.



Memphis City Council Summary Sheet Instructions

Resolution to fund the A.D.A. Contract for STP Curb Ramps Group 43 Bid Set 1

1. Resolution funding the A.D.A. Curb Ramp contract for the construction of eight hundred thirty four (834) curb ramps City wide.
2. This Resolution is initiated by Public Works Division in response To City's requirement to fulfill the Federal Settlement Agreement with the U.S. Department of Justice.
3. This project is currently in the CIP 2013 fiscal year listed under project PW04081.
4. This project will require a construction contract with Precise Concrete Works, LLC, who is a 100% DBE (M/WBE) contractor.
5. This project requires an expenditure of G. O. Bonds and is a reimbursed State Grant on a 80 / 20 basis.

This item is a resolution funding the A.D.A. Curb Ramp contract for the construction of eight hundred thirty four (834) curb ramps city wide.

WHEREAS, on May 3, 2011 the Council of the City of Memphis accepted grant funds from the State of Tennessee Department of Transportation and appropriated the City's local match for ADA Curb Ramp Group 43, project number PW04081; and

WHEREAS, bids were taken on June 29, 2012 for the installation of handicap ramps in various locations in the City, bid set (1) with the lowest complying bid of five bids being \$1,039,317.50 submitted by Precise Concrete; and

WHEREAS, under this contract, the State of Tennessee Department of Transportation has agreed to fund 80% of the project cost for ADA Curb Ramp Group 43 with the City of Memphis providing 20% in matching funds; and

WHEREAS, it is necessary to appropriate \$873,027.00 funded by State Grants in ADA Curb Ramp Group 43, project number PW04081, for the installation of handicap ramps in various locations as follows:

Contract Amount	\$1,039,318.00
Project Contingencies	51,966.00
Current G.O. Bonds Appropriation	<u>(218,257.00)</u>
	\$ 873,027.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$873,027.00 funded by State Grants chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title	ADA Curb Ramp Group 43
Project Number	PW04081
Amount	\$873,027.00



Memphis City Council Summary Sheet

Resolution Transferring Excess Construction Funds to the A&E line within PW 01202
STP Repaving Group 3.

- This project provides for street repaving under Surface Transportation Program and City's G.O. Bond.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves an existing A&E contract with ETI Corporation.
- This resolution transfers \$30,000 in excess construction funds to fund additional required design work.
- The project funds originate from the Federal Surface Transportation Program (80%) and City's G.O. Bond (20%).

This item is a resolution transferring Construction to Architecture and Engineering in STP Repaving Group 3 to cover additional required design work.

WHEREAS, on November 9, 2010 the Council of the City of Memphis approved the appropriation of funds for STP Repaving Group 3, project number PW01202 to repave various streets throughout the city; and

WHEREAS, funding is needed in Architecture and Engineering to cover additional required design work; and

WHEREAS, it is necessary to transfer allocations and appropriations of \$30,000.00 from construction (\$24,000.00 Federal Grant CIP and \$6,000 G.O. Bonds) to Architecture and Engineering in STP Repaving Group 3, project number PW01202.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be amended by transferring allocations and appropriations of \$30,000.00 from construction (\$24,000.00 Federal Grant CIP and \$6,000 G.O. Bonds) to Architecture and Engineering in STP Repaving Group 3, project number PW01202.



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution to appropriate \$3,000,000.00 in Other Cost funded by G.O. Bonds from Project #CE01068 for the Anti Blight Initiative to fund demolition and cleanup in targeted neighborhoods

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

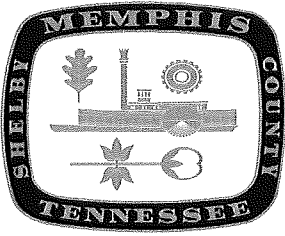
There is no change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This project funds the current Demolition contracts

5. State whether this requires an expenditure of funds/requires a budget amendment.

This project requires an expenditure of G.O. Bonds



A Resolution to appropriate \$3,000,000.00 in Other Cost funded by G.O. Bonds from Project #CE01068 for the Anti Blight Initiative to fund demolition and cleanup in targeted neighborhoods for the Division of Public Works/Neighborhood Improvement

WHEREAS, the Council of the City of Memphis approved the Anti-Blight Initiative, CIP Project #CE01068, as part of the Public Works Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate \$3,000,000.00 in Other Cost funded by G. O. Bonds from Project #CE01068 for the Anti Blight Initiative to fund demolition and cleanup in targeted neighborhoods

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$3,000,000.00 in General Obligations for CIP Project #CE01068, Anti Blight Initiative, chargeable to the FY2013 Capital Improvement Budget and Credited as follows:

Project Title:	Anti Blight Initiative
CIP Project No:	CE01068
Funding Source:	\$3,000,000.00 G.O. Bonds



Memphis City Council Summary Sheet

Resolution for sewer line replacement services in various locations.

- This item is a resolution to replace sanitary sewer lines at various locations within the wastewater collection system.
- This project was initiated by Public Works.
- This project requires a one year extension of the construction contract with Acuff Enterprises Inc. d/b/a Scott Contractors. This contract has included an 18% MWBE participation.
- The project is funded under the Sewer Fund FY13 CIP rehab of existing sewers.

A resolution to extend a construction contract with Acuff Enterprises for sewer line replacement at various locations within the city.

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, in the fiscal year 2012 the Public Works Division accepted bids for Sewer Line Replacement FY 12, project SW02092, from Acuff Enterprises with the option of extending the contract; and

WHEREAS, it is in the best interest of the City to extend the Acuff Enterprises contract in the fiscal year 2013 Capital Improvement Budget; and

WHEREAS, it is necessary to reduce Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 in the amount of \$1,934,801.00; and

WHEREAS, it is necessary to appropriate \$1,934,801.00 funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 for sewer line replacement at various locations within the wastewater collection system:

Contract Amount	\$ 1,758,910.00
Project Contingencies	<u>\$ 175,891.00</u>
Total	\$ 1,934,801.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be and is hereby amended by reducing Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 in the amount \$1,934,801.00 for sewer line replacement at various locations within the wastewater collection system.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,934,801.00 funded by Sewer Operating-CIP chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title:	Sewer Line Replacement FY 12
Project Number	SW02092
Amounts:	\$1,934, 801.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This item is a Resolution transferring an allocation and appropriating funds to fund major repairs and/or improvements to various City facilities

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Resolution is initiated by General Services – Property Maintenance and Engineering to fund major repairs and/or improvements to City facilities

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Resolution does not change an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

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5. State whether this requires an expenditure of funds/requires a budget amendment.

Resolution does require the sum of \$2,750,000 to be appropriated

City Council Resolution – GS01007 Major Modification



A Resolution to transfer and appropriate FY13 funds for major modifications, renovations and improvements to City facilities for the General Services Division.

WHEREAS, the Council of the City of Memphis did include the Major Modification/Improvements to Property, Project number GS01007, as part of the FY 2013 Capital Improvement Program budget; and

WHEREAS, General Services – Property Maintenance periodically has to make repairs or improvements to various City facilities per the approved FY2013 Major Modification CIP Project list, including security, roofing, electrical, plumbing, painting. Construction and HVA improvements; and

WHEREAS, bids will be solicited and evaluated according to the approved FY2013 Major Modification CIP Project list; and

WHEREAS, it is necessary to amend the FY2013 Capital Improvements Budget by transferring an allocation to cover design expenses in the amount of \$170,000 in Major Modification/Improvement to Property, CIP Project number GS01007, funded by G O Bonds General, from Contract Construction to Architecture and Engineering; and

WHEREAS, it is necessary to appropriate a sum of \$2,750,000 funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project number GS01007, to fund repairs and/or improvements to the projects on the FY2013 Major Modification CIP Project list.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2013 Capital Improvement Program Budget be and is hereby amended by transferring an allocation of \$170,000 from Contract Construction to Architecture and Engineering funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project Number GS01007; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,750,000 funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project Number GS01007 and credited as follows:

Project Title:	Major Modifications/Improvements to Property
Project Number:	GS01007
Amount:	\$2,750,000



Memphis City Council Summary Sheet

Resolution accepts and appropriates Federal Transportation Planning Grant funds passed through Shelby County Government for transportation planning activities.

1. Description of the Item (Resolution, Ordinance, etc.)

This item is a resolution that accepts and appropriates \$36,000.00 in Federal grant funds for City of Memphis transportation planning activities.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

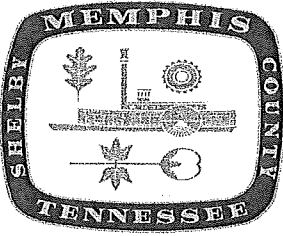
These funds must be accepted on an annual basis per the guidelines set forth in the contract between Shelby County Government and the City of Memphis.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

The additional funds were approved by the Memphis Urban Area Metropolitan Planning Organization and amends existing contract #N16133 between Shelby County Government and the City of Memphis.

5. State whether this requires an expenditure of funds/requires a budget amendment.

The City of Memphis is required to provide a 20% match totaling \$9,000.00, already accounted for in the FY13 Operating Budget. No amendment is necessary.



WHEREAS, the City of Memphis Division of Engineering has received Federal funds in the amount of Thirty-Six Thousand Dollars (\$36,000.00) through Shelby County Government; and

WHEREAS, these funds will be used to pay for personnel services for transportation planning for the Metropolitan Planning Organization; and

WHEREAS, these funds will be matched with a 20% match from the Engineering Division; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2013 Operating Budget to establish funds for the Transportation Planning Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Thirty-Six Thousand Dollars (\$36,000.00) for the Transportation Planning Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Transportation Planning Grant funds in the amount of Thirty-Six Thousand Dollars (\$36,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Transportation Planning Grant as follows:

Revenue

Shelby County Government	\$36,000.00
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Expenditures

Full Time Salaries	\$36,000.00
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A BRIEF DESCRIPTION OF THE AMENDMENT

HEADING

AN ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26 TO INCLUDE “PROPERTY REGISTRATION REQUIREMENTS” THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OF MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE’S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS.

DESCRIPTION

- 1) **Real Property Registry:** the purpose is to require all parcels of property to have on file a registry of the owner or agent for service of process. This proposed registry would address the ongoing problem of identifying responsible parties; regarding abandoned, defaulted, or foreclosed real property of all types.
- 2) **Default Registry:** the purpose is to place certain requirements pursuant to existing state statutes, authorizing cities to take remedial measures, and require mortgage holders or their agents to register the property in a default registry within a specified time after default had been declared by the mortgagee on the associated parcel of property.
- 3) The combination of these two ordinances would greatly assist the city in directly addressing code violations or unsafe conditions. The first ordinance is directed specifically toward the owners of property whether occupied, abandoned, Heir property, foreclosed property, or property recently transferred.
- 4) The ordinance provides that owners of condominiums designate the condominium association as their agent for the purpose of notice and service of process for members of the association.

AN ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26 TO INCLUDE "PROPERTY REGISTRATION REQUIREMENTS" THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OF MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE'S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS.

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the City of Memphis finds that the presence of vacant and abandoned properties can lead to a decline in property value, a corresponding decline in property tax revenue, create and attract nuisances, and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the City of Memphis (hereinafter referred to as "City") recognizes an increase in the number of vacancies and abandoned properties located throughout the City; and

WHEREAS, the City is challenged to identify and locate the owners of such vacant and abandoned properties; and

WHEREAS, the City has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the City desires to amend the City's Code by creating Section 48-21 through 48-26

to establish (1) real property registration requirements, and (2) a default and foreclosure registry, and;

WHEREAS, the City has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements upon owners of real property located within the City and in certain cases upon mortgagees and other beneficial owners.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 48 of the City of Memphis, Code of Ordinances is hereby amended by adding Sections 48-21 thru 48-26 to read as follows:

CHAPTER 48 ARTICLE II:

REAL PROPERTY REGISTRATION REQUIREMENTS

Sec. 48-21. (a) Purpose and Intent.

It is the purpose and intent of the City of Memphis ("City") to establish a process to address the deterioration and blight of City neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the City, and to identify, regulate, and reduce the number of abandoned properties located within the City. It is the City's further intent to establish Real Property Registration Requirements as a mechanism to protect neighborhoods

from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed real property.

(b) Definitions.

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated.

- i. ***Abandoned Real Property*** means any real property that is vacant, or is under notice of default, or is pending a mortgage foreclosure, or notice of mortgagee's sale, or lien sale and/or properties that have been the subject of a mortgage foreclosure sale where title is retained by the mortgagee, and/ or any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any other legal means.
- ii. ***Default*** means, that the mortgagee has filed a foreclosure action or notice of default on the mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said mortgage to be in default either by letter or notice to property owner, by recording a lis pendens, by commencing foreclosure proceedings; or by any other actions demonstrating a breach of a security covenant on a property.
- iii. ***Evidence of Vacancy*** means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off; stagnant swimming pool; or statement by neighbors, passer-by, delivery agents or government agents.
- iv. ***Foreclosure*** means the judicial or non-judicial process by which a property, placed as security for a mortgage loan, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

- v. ***Mortgage*** means, any consensual lien created by a written instrument which grants or retains an interest in real estate to secure a debt or other obligation. The term includes, without limitation:
 - a. Mortgages securing reverse mortgage loans;
 - b. Mortgages securing revolving credit loans;
 - c. Every Deed conveying real estate, although an absolute conveyance in its terms, which shall have been intended only as a security in the nature of a mortgage; and
 - d. Equitable mortgages.

- vi. ***Mortgagee*** means:
 - a. the holder of an indebtedness or oblige of a non-monetary obligation secured by a mortgage or any person designated or authorized to act on behalf of such holder;
 - b. any person claiming through a mortgage as successor; and
 - c. Any person identified as such in a recorded document which has not been released, assigned, or superseded of record.

- vii. ***Mortgagor*** means the person whose interest in the real estate is the subject of the mortgage and any person claiming through a mortgagor as successor. Where a mortgage is executed by a trustee of a land trust, the mortgagor is the trustee and not the beneficiary or beneficiaries.

- viii. ***Owner*** means any person who alone, jointly, or severally with others:
 - a. Has legal title to the property, with or without accompanying actual possession thereof;
 - b. Has charge, care or control of the property as owner or agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner: or

- c. Is the agent or the owner for the purpose of managing, controlling the property or collecting rents, or is any other person managing or controlling the property or is any person entitled to the control or direction of the management or disposition of the property.
- ix. ***Property*** means any real, residential, commercial or industrial property, or portion thereof, located within unincorporated Cook County or within the boundaries of a participating municipality, including buildings or structures situated on the property.
- x. ***Residential Property*** means buildings of three stories or less in height where the whole building or parts thereof are designed or used as residential units or auxiliary uses to a residential unit.
- xi. ***Vacant*** means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of "*Evidence of Vacancy*" above.

(c) Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather an additional remedial remedy available to the City, above and beyond any other state, county or local provisions.

Sec. 48-22.

(a) Establishment of a Registry.

Pursuant to the authority of T.C.A. §6-54-113(d) (1), the City of Memphis or its designee shall establish a registry for all real property, including condominiums located within the municipal boundaries of the city of Memphis.

(b) Election of Owner, or Agent for Notice and Service of Process.

All owners of real property, including condominiums are required to elect that the property owner (one or more) serve as agent for service of process, and provide a current working address to which notice can be sent, and service of process is to be directed.

(c) Appointing Agents or Designees for Process of Service.

All owners of real property, including condominiums, may elect to appoint or designate another party or entity as agent for notice and service of process by providing to the City of Memphis or its designee the name of the person or entity, and, the address to which notice or service can be directed.

(d) Registry Content.

The elections described above shall be made or updated if any material change in ownership or agent designation has occurred. Confirmation of, or, change in designations shall be executed concurrent with or before the annual deadline for property tax payment to the City of Memphis. Confirmation of, or, change in designation or agent for notice and service of process shall be fulfilled upon receipt by the City of Memphis or its designee, on the form and pursuant to the directions provided to owners with the tax bill mailed to the property owner annually.

(e) Agents for Notice and Service of Process for Condominium Owners.

In the case of condominium owners, the resident association, or other agent for service of process, shall be identified as agent for notice and service of process for all owners/members of the condominium association.

(f) Failure to Comply with Notice and Service of Process Registration.

Failure to comply with this ordinance will result in service of process and notice being effected by serving the Secretary of State for the State of Tennessee, pursuant to T.C.A. §§ 20-2-201; 20-2-202; 20-2-214; 20-2-216; 20-2-223, 20-2-225; 48-15-105; 48-25-107; 48-55-104, or to the last known person or entity shown as the owner or elected agent for notice and service of process.

Sec. 48-23.

(a) Fine.

Failure to comply with the requirements of this ordinance will result in a fine of two hundred dollars (\$200.00) administrative fee by department.

I. FORECLOSURE AND DEFAULT REGISTRY

Sec. 48-24.

(a) Establishment of a Residential Foreclosure and Default Registry.

Pursuant to the authority of T.C.A. §6-54-113(d) (1) and in addition to the requirements of Sec. 48-22 set forth herein, the City of Memphis or its designee shall establish a Foreclosure and Default Registry and require registration by the mortgage holder of

single family residential real property, including condominiums within the city of Memphis upon Notice of Default or Foreclosure, or abandonment (vacancy), whichever occurs first.

Sec. 48-25.

(a) Registration of Real Property Upon Default or Foreclosure.

Any mortgagee who holds a mortgage on single family residential housing, including condominiums located within the City of Memphis, shall, upon Notice of default to the mortgagor, foreclosure by the mortgagee, or evidence of vacancy, whichever occurs first, perform an inspection of the property within 30 days of occurrence. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or its designee, on forms provided by the City, and indicates whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(b) Occupied Defaulted Or Foreclosed Property.

If the property is occupied but remains in default or foreclosure, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy, or (3) at such time the property is deemed abandoned by the mortgagee or the City, and the mortgagee shall, within ten (10) days of that occurrence, update the property registration to a vacancy status on forms provided by the City. The vacant property shall remain in the registry.

(c) Registration Requirements.

Registration pursuant to this section shall contain the name of the owner, mortgagee and the servicer, the direct mailing address of the mortgagee, owner, and the servicer, a direct contact name and telephone number for each party, facsimile number and e-mail address for each party, the folio or tax number, and the contact name and telephone number of the person responsible for the security and maintenance of the property. Upon either, default, foreclosure, or vacancy both the mortgagee, or his designated agent, and the property owner shall be responsible for compliance with this ordinance.

(d) Annual Registration Fee For Defaulted and Foreclosed Property.

A non-refundable annual registration fee in the amount of \$200.00 per property, shall accompany the registration forms. The registration fee shall be paid by the mortgagee or his agent.

(e) Registration of Transferred Property.

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred by the mortgagee, or it's agent, or when any property is transferred under a deed in lieu of foreclosure/sale, or quit claim deed, or by transfer, whether filed with the Register of Deeds or not, and, upon transfer of ownership upon the death of a prior owner.

(f) Duration of Registration for Defaulted and Foreclosed Property.

Properties subject to this section shall remain under all registration requirements, including but not limited to, the inspection, security, and maintenance standards of this section as long as the property remains vacant or in default. Property may be removed from the registry upon verification by the City of Memphis or its designee of cure of default, cure of vacancy; and cure of any existing code violations, with title vested in an owner of record.

(g) Reporting Changes in Service, Property Conditions, Mortgage Status, etc.

Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

II. COMPLIANCE

Sec. 48-26.

(a) Failure to Comply.

Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of this article and shall be subject to enforcement and / or fine.

(b) Description of Violation: Civil Penalty.

Any violation of (Sec. 48-25(a) – (g) of this ordinance shall result in a fine of five hundred dollars (\$500.00) per violation payable by the mortgagee.

(c) Collections and Use of Funds.

All funds collected under this ordinance 48-21 through 26, including fines and fees are to be reserved for the use of the office of Code Enforcement for the removal of blight in the City of Memphis.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This item is a resolution in support of accepting and appropriating grant funds from FEMA for Tennessee Task Force One. This grant is for the development and maintenance of National Urban Search and Rescue Response System resources to be prepared for mission response and to provide qualified personnel in support of Emergency Support Function-9 activities under National Incident Management System and National Response Plan,

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Fire Services is initiating this resolution for Tennessee Task Force One.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is a new resolution for the 2012 FEMA grant.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution requires a revenue contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution requires a budget to be established for the grant in the Miscellaneous Grant Fund (0205). Expenses will be reimbursed as spent.

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received grant funds in the amount of One Million Three Hundred Forty-Five Thousand One Hundred Eight Dollars (\$1,345,108.00) from the US Department of Homeland Security - FEMA; and

WHEREAS, these funds will be used for annual sustainment of Tennessee Task Force One; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2013 Operating Budget to establish funds for the Urban Search & Rescue grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of One Million Three Hundred Forty-Five Thousand One Hundred Eight Dollars (\$1,345,108.00) for the Urban Search & Rescue grant; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Urban Search & Rescue Grant funds in the amount of One Million Three Hundred Forty-Five Thousand One Hundred Eight Dollars (\$1,345,108.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search & Rescue Grant in the amount of One Million Three Hundred Forty-Five Thousand One Hundred Eight Dollars (\$1,345,108.00) as follows:

Revenue

FEMA	\$1,345,108.00
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Expense

Administration	\$386,773.00
Training	\$321,658.00
Equipment	\$376,277.00
Storage	<u>\$260,400.00</u>
TOTAL	\$1,345,108.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This resolution is to establish the Memphis Light Gas and Water Division in-lieu-of-tax payment to the City of Memphis for Fiscal Year 2013.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Finance Division.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not make any changes to an existing ordinance or resolution.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract, or amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

No expenditure of funds is required under this resolution.



A resolution to establish MEMPHIS LIGHT (ELECTRIC) GAS AND WATER DIVISION in-lieu-of-tax payment to the City of Memphis for Fiscal Year 2013.

WHEREAS, the Legislature of the State of Tennessee has passed the Municipal Gas System Tax Equivalent Act Tenn. Code Ann § 7-39-401, et seq., which Act provide a uniform formula throughout the state establishing the maximum in-lieu-of tax payments by a municipal electrical distributor; and

WHEREAS, the formula consists of two parts:

- (1) The equalized tax rates multiplied by the net plant value and book value of material and equipment, multiplied by the assessment ratio in effect at the beginning of the fiscal year, plus,
- (2) Four percent (4%) of the average of revenue less power cost for the preceding three (3) years, and

WHEREAS, estimates of net plant value of the electric division and of the average power cost for the preceding three (3) years have been made and the formula has been applied thereto; and

WHEREAS, in keeping with the policy established by the City Council by resolution adopted in May 1978 the in-lieu-of-tax payment in April and the balance in November. The advance payment for calendar year 2012 has already been made in compliance with prior resolutions.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis, that the payments by the Memphis Light Gas and Water Division of in-lieu-of tax payments to the City for fiscal year 2013 shall be the amount calculated by the Memphis Light Gas & Water Division under the formula for the Electric Division.

BE IT FURTHER RESOLVED, that as soon after June 30, 2012, and at the end of each fiscal year thereafter, the Memphis Light Gas and Water Division shall compute the amount due under the formula established in the above two laws. Payment will be made in two installments to the City Treasurer, an advance payment in April and the balance in November.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This resolution is to establish the Memphis Light Gas and Water Division in-lieu-of-tax payment to the City of Memphis for Fiscal Year 2013.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Finance Division.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not make any changes to an existing ordinance or resolution.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract, or amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

No expenditure of funds is required under this resolution.



A resolution to establish MEMPHIS LIGHT GAS AND WATER DIVISION in-lieu-of-tax payment to the City of Memphis for Fiscal Year 2013.

WHEREAS, the Legislature of the State of Tennessee has passed the Municipal Gas System Tax Equivalent Act Tenn. Code Ann § 7-39-401, et seq., which Act provide a uniform formula throughout the state establishing the maximum in-lieu-of tax payments by a municipal gas distributor; and

WHEREAS, the formula consists of two parts:

- (1) The equalized tax rates multiplied by the net plant value and book value of material and equipment, multiplied by the assessment ratio in effect at the beginning of the fiscal year, plus,
- (2) Four percent (4%) of the average of revenue less power cost for the preceding three (3) years, and

WHEREAS, estimates of net plant value of the gas division and of the average power cost of gas for the preceding three (3) years have been made and the formula has been applied thereto; and

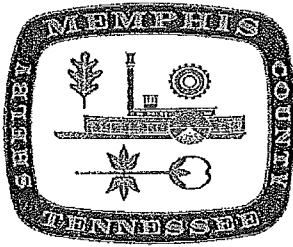
WHEREAS, the in-lieu-of tax payments for the gas division have been made in two installments to the City Treasurer, an advance payment in April and the balance in November. The advance payment for calendar year 2012 has already been made in compliance with prior directions from the Council.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis, that the payments by the Memphis Light Gas and Water Division of in-lieu-of tax payments to the City for fiscal year 2013 shall be the maximum amount calculated by the Memphis Light Gas & Water Division under the formula for the Gas Division, except that the Memphis Light Gas and Water Division is authorized to make

payments due to the incorporated municipalities in Shelby County, i.e., Arlington, Bartlett, Collierville, Germantown and Millington, directly to those municipalities..

BE IT FURTHER RESOLVED, that as soon after June 30, 2012, and at the end of each fiscal year thereafter, the Memphis Light Gas and Water Division shall compute the amount due under the formula established in Act. Payment will be made in two installments to the City Treasurer, an advance payment in April and the balance in November.

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution authorizing the sale of City owned property located at 3542 Kruger St. (06200900016) in the Union Villa Subdivision Area.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The City of Memphis and the Division of Housing and Community Development (CD90004-Compliance & Reporting).

3. State whether this is a change to an existing ordinance or resolution, if applicable.

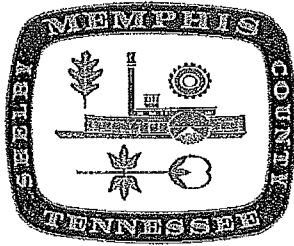
Not a change to an existing ordinance or resolution.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

A new contract or an amendment to an existing contract is not applicable.

5. State whether this requires an expenditure of funds/requires a budget amendment.

Resolution will not require expenditure of funds/requires a budget amendment.



A resolution authorizing the sale of City owned property located at 3542 Kruger St. (06200900016) in the Union Villa Subdivision Area.

WHEREAS, the Council of the City of Memphis, by Ordinance enacted on December 28, 1995, amended Section 2-291 through 2-293 and 36-97 of the Code of Ordinances of the City of Memphis relating to the sale of City property; and

WHEREAS, Section 2-291 (6) authorized the Division of Housing and Community Development to sell properties it has acquired upon first reading, if such sale is in furtherance of Community Development goals; and

WHEREAS, the Division of Housing and Community Development has received an offer from Memvest LLC, Ralph Haynes to purchase the following described property at 3542 Kruger Street (06200900016) in the amount of One Thousand One Hundred dollars (\$1100.0).

WHEREAS, the development of the lot on Kruger Street is a desirable goal within the aims of the Division of Housing & Community Development.

NOW, THEREFORE , BE IT RESOLVED by the Council of the City of Memphis that in accordance with the aforementioned amended ordinance, the sale of the subject property be, and is hereby, authorized and that the Mayor be, and is hereby, authorized to execute the necessary instruments on behalf of the City of Memphis.

EXHIBIT A

Conveyance To Memvest LLC, Ralph Haynes

(Tax Parcels: (06200900016)

Tract 1

Lot 10, Block "H", n National Park Land Company's Union Villa Subdivision, as shown on plat of record in Plat Book 5, Pages 3 and 4, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to the grantor herein by Quit Claim Deed of record under instrument number GV 7142, in the said Register's Office.